

REMARKS

In the Communication mailed on 03/24/2008, the Examiner wrote:

The reply filed on December 6, 2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s). When claims are added after an election, applicant must indicate which claims are readable upon the elected species MPEP § 809.02(a). Amended claims 6, 8 and 24 are directed to nonelected species. See 37 CFR 1.111.

Applicants respectfully traverse. No new claims were added in that reply.

Applicants also respectfully traverse the statement that claims 6 and 24 are directed to nonelected species.

In the response to the original restriction requirement, Species 1, FIGS. 1-2 was elected without traverse. The following claims were said to read on the Species 1 as shown in FIGS. 1-2: 1-2, 5-8 and 10-25. Claims 6 and 24 are in this list.

With respect to claim 6, the amendment makes the claim independent and incorporates language from claim 1, from which claim 6 originally depended. Amended claim 6 further clarifies the shape of the adapter. As shown below, FIG. 2 and the description of the adapter of FIG. 2 both include the features added by amendment:

- Page 24, lines 14-16: “The distal portion of the adapter 16 has an outer surface that is sized and shaped to be received within and frictionally lock with the Morse taper bore 26 of the LPS distal femoral component 10A.”
- Page 25, lines 1-4: “The proximal portion of the adapter 16 has an outer surface that is sized and shaped to be received within and frictionally lock within the distal Morse taper bore 21A portion of the new metaphyseal component 12A and the distal Morse taper bore 21C of the existing metaphyseal component 12C.”

- Page 29, lines 3-6: “The Morse taper posts 19, 23, 25, 46, 52, 54, 61 and bores 21A, 21C, 26, 27, 47A, 47B, 47C can be conically or frustoconically shaped. The angle of the frustoconical taper would be expected to be less than about 8° , and typically in the range of about $2-4^{\circ}$.”

To be sized and shaped to be received within and frictionally lock with Morse taper bores, the proximal and distal posts of the adapter must taper to be most narrow at the proximal and distal ends.

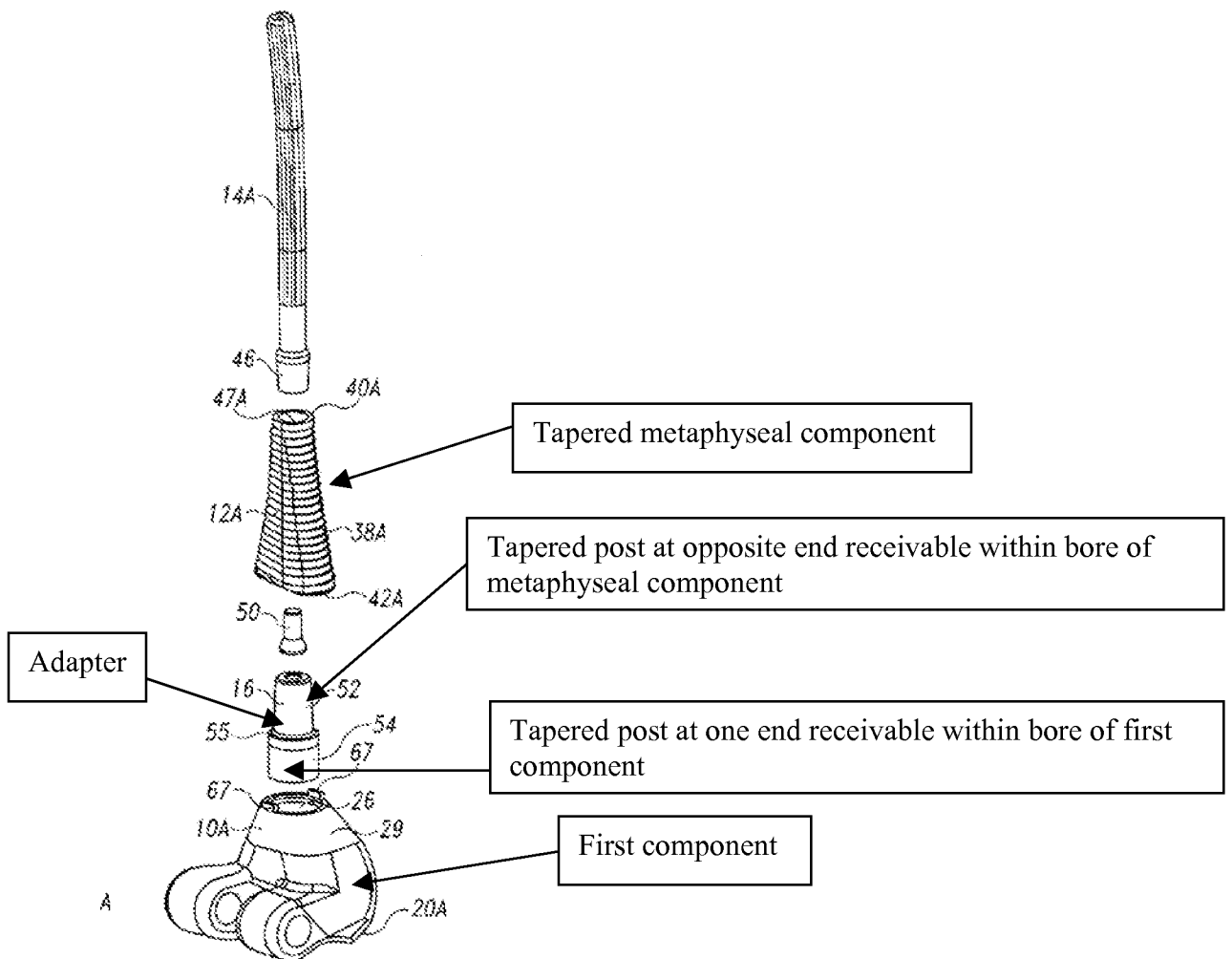


Fig. 2

The adapter 16 of FIG. 2 is also illustrated in FIG. 17:

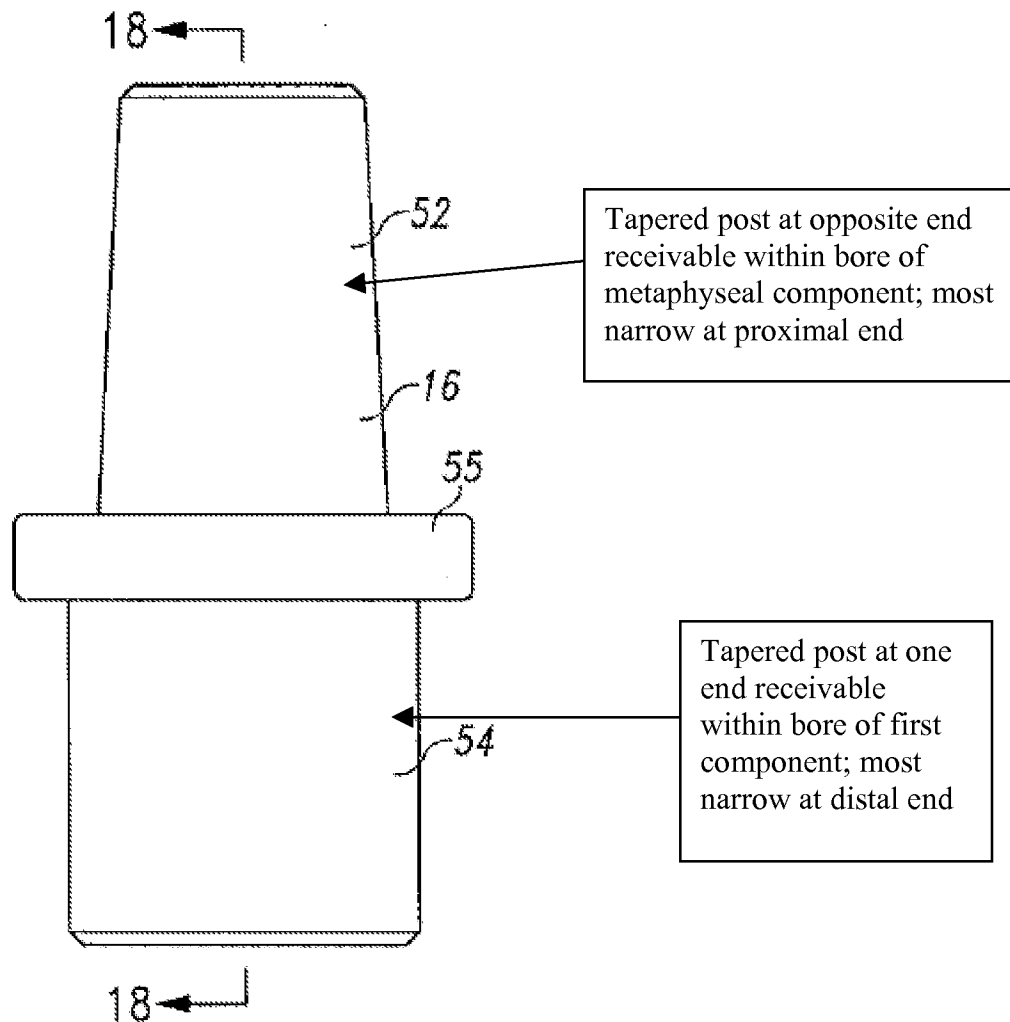


Fig. 17

Accordingly, the invention of claim 6 is included in Elected Species 1 of FIGS. 1-2.

Similar amendments were made to claim 24 and these features are similarly part of Elected Species 1 of FIGS. 1-2.

Claim 8 is listed in the Corrected Amendment and Response as withdrawn and is presented therein without the amendments previously included in the Amendment and Response filed on December 6, 2007.

CONCLUSION

If any fees are required, the Examiner is hereby authorized to debit deposit account no. 10-0750/DEP5111NP/SJM.

For the above-described reasons it is respectfully submitted that amended claims 6 and 24 are properly included in elected Species 1 and that claims 1-2, 6-7 and 24-25 are currently in condition for allowance. Reconsideration, further examination and a Notice of Allowance are respectfully requested.

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